



PARKS AND PUBLIC FACILITIES REGULATION BYLAW, 2018, No. 3048

A Bylaw to govern the management and use of Parks and Public Facilities
acquired or held by the City

WHEREAS the Council of the City of Langley is empowered to make rules and regulations governing the management and use of Parks and Public Facilities acquired or held by the City for its purposes;

AND WHEREAS the general welfare of the community is enhanced by the regulation and use of the City's Parks and Public Facilities.

The Council of the City of Langley, in open meeting assembled, enacts as follows:

Part 1 - Introductory Provisions

Title

1. This bylaw may be cited as "Parks and Public Facilities Regulation Bylaw, 2018, No. 3048."

Definitions

2. In this bylaw,

"Al Anderson Memorial Pool" means the City-owned facility located at 4949 207 Street and described as District Lot 304 New West District Parcel B, Plan Fee 52142F, Except Plan E33' at right angles to E Boundary and PI 42200.

"Boulevard" means and includes any portion of any road, street, lane or highway which has been sodded, seeded or otherwise improved and maintained.

"Chief Administrative Officer" means the Chief Administrative Officer for the City.

"City" means the City of Langley.

"Civic Precinct" means the parcels of land owned by the City and located on the west side of 204th Street north of Douglas Crescent and south of Fraser Highway and 56th Avenue in the City and described as Lot 1 of Plan EPP56949 and Lot 2 of Plan EPP56949, New Westminster District.

"Controlled Substance" means a Controlled Substance as defined or described in Schedules I to VIII of the *Controlled Drugs and Substances Act* S.C. 1996, c. 19, as amended or replaced, including related controlled

substance paraphernalia, the possession of which is restricted under that Act.

“Corporate Officer” means the Corporate Officer for the City.

“Council” means the Municipal Council of the City.

“Douglas Park” means the parcel of land owned by the City and located on the southwest corner of Douglas Crescent and 206th Street in the City and described as Lot A District Lot 36 Group 2 New Westminster District Plan LMP24988 except air space plan BCP49403.

“Driveway”, “Roadway”, “Path”, “Lane”, “Sidewalk” or “Parking Area” includes any way, thoroughfare or parking area in a Park or Public Facility set apart and improved by grading, gravelling or other means for the use of pedestrian, vehicular or animal traffic.

“Fire Chief” means the Fire Chief for the City.

“Homeless Person” means a Person who has neither a fixed address or a predictable residence to return to on a daily basis.

“Liquor” means Liquor as defined in the *Liquor Control and Licensing Act, S.B.C 2015, c. 19*, as amended or replaced.

“Loiter” means to remain in an area without lawful excuse.

“Off-leash Dog Areas” means those areas in a Park that are fenced and signed as Off-leash Dog Areas.

“Park” means parks, playgrounds, greens and other open public spaces, including all Driveways, Roadways, Paths, Lanes, Sidewalks or Parking Areas within or adjacent to parks, playgrounds, greens and other open spaces, under the custody, care and management by the City for use by the general public, but does not include the traveled portion of a highway, street, lane or right-of-way designed or intended for or used by the general public for the passage of Vehicles, including property dedicated as road by a registered plan. Park does not include a Public Facility.

“Person” includes natural persons, associations, corporations, bodies politic and partnerships, whether acting by themselves or by an agent, employee, or servant and the heirs, executors, administrators, successors and assigns or other legal or personal representatives of such persons.

“Public Facility” includes all public plazas, public squares and public buildings (including all Driveways, Roadways, Paths, Lanes, Sidewalks or Parking Areas located within or adjacent to the public plaza, public square or public building) including, but not limited to, the Civic Precinct, any community center, library, art gallery, museum, arena, exhibition, fire hall, works yard and all other community facilities owned or controlled by the City. A Public Facility includes any real property on which a Public Facility is located, except for a Park, as long as the real property is in the care, custody and management by the City for use by the general public or has been leased by the City to a Person providing a community service to the general public.

“Public Improvement” means any chattel or fixture located in a Park or Public Facility, and includes a stage, bleacher, sports stadium, picnic table, gazebo, picnic shelter, dugout, and washroom facility.

“Sendall Gardens” means the parcel of land owned by the City and located at the southwest corner of 50th Avenue and 202nd Street in the City and described as Lot 3, District Lot 3, Plan 27950, New Westminster District.

“Supervisor” means the administrative manager responsible for Parks administration or Public Facilities within the City or his designate; and for the purpose of enforcing the provisions of this bylaw or a permit issued hereunder also includes:

- (a) a peace officer; and
- (b) a bylaw enforcement officer appointed by the City.

“Temporary Shelter” means a tent, lean-to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square meters.

“Vehicle” includes all forms of conveyance for the carriage or transport of Persons, passengers, goods or materials, whether powered by mechanical, muscular, animal, or other means, and shall include bicycles, motorcycles, tricycles, rollerblades, skateboards, motorized scooters, segways and hoverboards and shopping carts.

Part 2 – Application

Parks and Public Facilities

3. Every Park and Public Facility shall be subject to the provisions of this bylaw and a Supervisor shall be responsible for enforcing its provisions.

Additional Parks and Public Facilities

4. The City may acquire, construct, equip, operate and maintain such additional Parks and Public Facilities as the City may decide. All such additional Parks and Public Facilities shall be included in the definitions of “Parks” and “Public Facilities” and shall be subject to all provisions and regulations of this bylaw.

Exemption

5. Notwithstanding anything contained in this bylaw or any other bylaw of the City to the contrary, all officers, officials, employees and agents of the City, while acting in the exercise and within the scope of their duties, shall be exempt from the provisions of this bylaw.

Part 3 - General Regulations

Advertising

- 6.
- (a) No Person shall deliver, distribute, post, paint or affix any advertisement, promotional material, poster, bill or advertising in a Park or Public Facility without the prior written permission of the Supervisor responsible for such Park or Public Facility.
 - (b) No Person shall use or permit the use of any advertising Vehicle in a Park or Public Facility without the prior written permission of the Supervisor responsible for such Park or Public Facility.

Animals

- 7.
- (a) Subject to Section 7(b), no Person who owns, possesses, harbors, or has the control of any animal or fowl shall permit such animal or fowl to run free or feed in a Park.
 - (b) Dogs must be on-leash at all times when they are in a Park with the exception that dogs are permitted to run free in Off-leash Dog Areas, so long as such dogs remain in the direct or continuous charge of an individual who is competent to control such dogs.
8. No Person shall ride, drive or herd horses or other livestock in a Park.
9. No Person who owns, possesses harbours or has the control of any animal or fowl shall permit such animal or fowl to enter into the water of a reservoir, pond, fountain, pool, stream or other water receptacle in a Park.
10. No animals are permitted within a Public Facility, with the exception of certified guide and service dogs in accordance with the *Guide Dog and Service Dog Act, S.B.C 2015, c. 17*, as amended or replaced.

Behaviour and Conduct

- 11.
- (a) The Supervisor may post rules of behaviour and conduct in a visible location in a Park or Public Facility.
 - (b) No Person shall:
 - i. violate any bylaw, regulation, enactment, sign or posted notice or command of Council or a Person in control of, or maintaining or supervising any Park or Public Facility;
 - ii. act in a disorderly, dangerous or offensive manner in a Park or Public Facility;
 - iii. obstruct the free use and enjoyment of a Park or Public Facility by another Person;
 - iv. Loiter in a Park or Public Facility;
 - v. sleep on, in or under a Public Improvement;

- vi. enter or remain in a Public Facility, with the exception of the Al Anderson Memorial Pool or shower facilities in a Public Facility, without being attired with shoes, shirt and pants, shorts, dress, skirt or other similar clothing;
 - vii. consume or have in their possession any Liquor or Controlled Substance in a Park or Public Facility unless the Liquor or Controlled Substance is consumed or possessed pursuant to and in compliance with a licence issued under the *Liquor Control and Licensing Act* S.B.C 2015, c. 19 or the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19;
 - viii. urinate or defecate in a Park or Public Facility except in a provided public or private toilet facility;
 - ix. engage in an activity involving a high speed projectile, including golf, archery, javelin, war games, radio controlled boats, aircraft, drones or cars in a Park or Public Facility unless the activity is specifically authorized by the Supervisor;
 - x. molest, disturb, frighten, injure, trap or snare any bird or animal or any fish in any reservoir, fountain, pond, pool, stream or other water receptacle;
 - xi. interfere with or obstruct any employee of the City in the performance of their duty at or in relation to a Park or Public Facility;
 - xii. use or operate any device in such a manner to disturb the enjoyment of a Park or Public Facility by other Persons except as specifically authorized by the Supervisor; or
 - xiii. deposit cremated human remains in a Park.
- (c) In addition to any other penalty under this bylaw, any Person who violates this Section may be removed from a Park or Public Facility.

Damage

12. No Person shall in a Park or Public Facility:

- (a) remove, cut, break, injure or in any way destroy or damage any tree, shrub, plant, turf, sod, or flower;
- (b) cut or remove any tree, timber or firewood;
- (c) damage or deface any building, structure, fence, sign, seat, bench, equipment, ornament or Public Improvement;
- (d) damage, deface, clutter or block any Boulevard, Driveway, Roadway, Path, Lane, Sidewalk or Parking Area;
- (e) injure, deface or destroy any notice, sign, rule or regulation erected, posted or affixed to any building, structure, fence, seat, bench or Public Improvement by order or permission of the City or a Supervisor responsible for such Park or Public Facility;

- (f) climb, walk or sit upon any wall, fence or other structure in a Park, Public Facility or Boulevard unless it is designed and intended for such purpose;
- (g) cross, travel on, use or walk upon any grassed plot or land where signs have been posted forbidding such use;
- (h) foul, litter or pollute, in any way, any reservoir, fountain, pond, pool, stream, or other water receptacle;
- (i) deposit any waste, offensive material or other substance of any kind into or upon any tree, shrub, plant, turf, sod, flower, building, structure, fence, sign, seat, bench, ornament, grassed plot, reservoir, fountain, stream, pool, pond, Public Improvement or other surface in a Park or Public Facility except in the receptacles provided for such purpose;
- (j) remove soil, earth, topsoil, dirt or other material from lands in a Park or Public Facility;
- (k) wilfully, maliciously or carelessly let off, turn on, or discharge any water so that the water runs to waste and useless out of any tap, pipe or other fixture in a Park or Public Facility; or
- (l) throw or place upon the ground any lighted match, cigar, cigarette or other burning substance.

Trespass

- 13. No Person shall use or attend at any lands in a Park or Public Facility except in accordance with this bylaw.
- 14. Subject to Section 15, no Person may erect, construct, or build, or cause to be erected, constructed, or built, in a Park or Public Facility, any tent, building, shelter, pavilion, or other construction whatsoever without the prior written permission of the City.
- 15. Notwithstanding Sections 13 and 14, where there is no accessible shelter accommodation available in the City or in reasonable proximity thereto, a Homeless Person may, without the prior written permission of the City, reside in a Park, including erecting and occupying a Temporary Shelter, except in those Parks listed in Schedule "A" to this bylaw, between the hours of 7:00 p.m. on one day and 9:00 a.m. of the following day, provided that the Homeless Person:
 - (a) does not erect the Temporary Shelter until after 7:00 p.m. on one day;
 - (b) takes down and removes the Temporary Shelter from the Park prior to 9:00 a.m. of the following day;
 - (c) complies with all other provisions of this bylaw;
 - (d) does not reside or erect the Temporary Shelter in, on or within:
 - i. playgrounds, spray Parks or pools;
 - ii. horticultural display areas or ornamental gardens;
 - iii. skateboard bowls, tennis courts or other sports courts;
 - iv. sports fields, stadiums or dugouts;

- v. stages or bleachers;
- vi. washroom facilities, picnic shelters, or gazebos;
- vii. areas of a Park that have otherwise been issued a permit pursuant to this bylaw;
- viii. pathways, bridges, docks or wharfs;
- ix. Driveways, Roadways, Pathways, Lanes, Sidewalks or Parking Areas; or
- x. all other Public Improvements.

Hours and Dates of Operation

16. Subject to Sections 15 and 17, all Parks in the City shall be closed to the public and to all Vehicles from dusk to dawn throughout the year, except for any Person who has entered into a contract with the City to rent or use any Park, or who is reasonably in attendance at a function in a Park for which such a contract has been entered into. All Persons found within the Parks during the closed time shall be treated as trespassers.
17. Section 16 shall not apply to:
- (a) officers, officials, employees and agents of the City who must in the course of their duties be in a Park during closed hours;
 - (b) City Vehicles used by the officers, officials, employees or agents in carrying out their duties during the closed hours; or
 - (c) the renter and his or her immediate family residing in Sendall Gardens.

Sale of Goods and Services

18. No Person shall sell or expose for sale any refreshments or any article or thing or offer any service for a fee in a Park or Public Facility without the prior written permission of a Supervisor who is responsible for the administration of such Park or Public Facility.

Weapons/Fireworks

19. No Person shall carry or discharge any firearm, airgun, sling shot, or other weapon or dangerous toy in a Park or Public Facility.
20. No Person shall set off any fireworks or fire or explode any combustible or other explosive material in a Park or Public Facility except within an area specifically set aside for such purpose; and then only if the Person has the prior written permission of the Fire Chief and a valid permit issued by the City for such purpose.

Part 4 – Vehicles

Restrictions

21. No Person shall park a Vehicle at a Park or Public Facility other than in a designated area or in accordance with posted signs or as otherwise directed by a Supervisor responsible for such Park or Public Facility.
22. No Person shall, except where written consent has been granted by the City, drive or propel or permit to be driven or propelled, any Vehicle in a Park or Public Facility except upon a Driveway, Roadway, Path, Lane, Sidewalk or Parking Area designed for vehicular traffic.
23. No Person shall use a Vehicle to occupy or travel on any Driveway, Roadway, Path, Lane, Sidewalk or Parking Area in a Park or Public Facility where signs have been posted prohibiting such use, occupation or travel.
24. No Person shall drive a Vehicle in a Park or Public Facility at a rate of speed greater than:
 - (a) a posted speed limit;
 - (b) 10 km per hour, if there is no posted speed limit; or
 - (c) a speed limit as directed by a Supervisor.
25. In addition to any other penalty provided for in this bylaw, any Vehicle found in a Park or Public Facility in contravention of this bylaw is subject to seizure and removal at the expense of the owner or operator of the Vehicle.

Exemptions

26. The restrictions contained in Part 4 of this bylaw shall not apply to:
 - (a) wheelchairs or similar devices required by an individual for mobility due to a disability, provided the use of such devices does not reasonably impede other individuals;
 - (b) strollers, carriages or similar devices being used for the transport of children, provided the use of such devices does not reasonably impede other individuals;
 - (c) Vehicles owned or used by the City; or
 - (d) emergency Vehicles as defined in the *Motor Vehicle Act, R.S.B.C. 1996, c.318*, as amended or replaced.

Part 5 - Special Events

Authority to Grant Permits

27. The Chief Administrative Officer or designate is authorized to issue and to grant permits for the use of a Park or Public Facility, subject to the applicable policies and procedures adopted by the City.

Prohibition

28. No Person shall hold a procession, march, drill, performance, ceremony, concert, protest, rally, gathering or similar activity in a Park or Public Facility without a valid permit issued by the City.

Part 6 - Permission to Act

Conditions

29. Every Person who receives the written permission of a Supervisor to act in a manner which would otherwise be contrary to the provisions of this bylaw shall at all relevant times have a copy of the permission in his or her possession at the Park or Public Facility and act in accordance with the conditions imposed by the written permission.

Indemnity

30. Every Person who receives the written permission of a Supervisor must indemnify and save harmless the City and their elected and appointed officials, employees and agents from and against any and all claims, demands, suits or compensation arising, directly or indirectly, from the granting of the permission.

Part 7 – User Suspension

31. If a Supervisor, their designate, a peace officer or a bylaw enforcement officer observes a Person or group of Persons in a Park or Public Facility contravening any provision of this bylaw or any other enactment, he or she may direct that Person or the group of Persons to leave the Park or Public Facility.

32.

- (a) A Supervisor may warn a Person who is contravening or has contravened this bylaw that they face suspension, and if that Person continues to contravene the bylaw or commits a new contravention despite the warning, the Supervisor may suspend that Person's right to enter, access or use a Park or Public Facility for a period of time that the Supervisor considers appropriate under the circumstances, including with regard to:
 - i. the nature of the contravention;
 - ii. the degree to which the conducted affected or could reasonably be expected to affect the safety of other people and property at the Park or Public Facility; and

- iii. previous contraventions of this bylaw by the Person.
- (b) If a Supervisor suspends a Person for a period longer than one month, the Supervisor:
 - i. must provide the suspended Person with a letter specifying the contravention and any other matters the Supervisor took into account in issuing the suspension; and
 - ii. may require that the suspension period be automatically extended until such time as the suspended Person meets with the Supervisor to discuss the contravention and the suspended person's willingness to comply with this bylaw in the future.
- (c) Any Person subject to a suspension under this part may request that Council reconsider the suspension.
- (d) A Person who seeks Council reconsideration of a suspension must:
 - i. make the request and any supporting submissions in writing; and
 - ii. deliver the request and submissions to the Manager of Legislative Services at least two days before the publication of the agenda for the regularly scheduled Council meeting at which the Person would like the suspension reconsidered.

Part 8 - Offences and Penalties

Offences

33.

- (a) The provisions of this bylaw may be enforced by a Supervisor.
- (b) Every Person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

Penalties

34. Any Person who violates any of the provisions of this bylaw shall upon summary conviction, be liable to a penalty of not more than \$2,000 plus the cost of prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

Part 9 - Miscellaneous

Severability

35. If any part of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw which shall continue in full force and effect and be construed as if this bylaw had been adopted without such invalid portions.

Schedules

36. Schedule "A" is attached to and forms part of this bylaw.

Repeal

37. The Parks Regulation Bylaw, 2003 No. 2515 and its amendments are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this seventh day of May, 2018.

ADOPTED this day of , 2018.

MAYOR

CORPORATE OFFICER

SCHEDULE
"A"

LIST OF PARKS WHERE TEMPORARY SHELTERS
MAY NOT OCCUR

- Douglas Park, with location and extent of Park as shown within heavy line on Map 1

MAP 1
DOUGLAS PARK

